## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION CASE NO. 5:22-CV-073-KDB-DCK

| SEAN ENCK,                    | )                   |
|-------------------------------|---------------------|
| Plaintiff,                    | )                   |
| v.                            | )<br>) <u>ORDER</u> |
| NATIONAL UNION FIRE INSURANCE | )                   |
| COMPANY OF PITTSBURGH, PA,    | )                   |
| Defendant.                    | )                   |
|                               | )                   |

THIS MATTER IS BEFORE THE COURT on "Plaintiff's Motion To Compel Discovery From Defendant" (Document No. 23) filed June 20, 2023. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, the undersigned will deny the motion.

It does not appear that Plaintiff has complied with the requirements of the "Pretrial Order And Case Management Plan" which states in part:

Consistent with the spirit, purpose, and explicit directives of the FRCP and the Local Rules, the Court expects all parties and counsel to attempt in good faith to resolve discovery disputes without the necessity of the Court's intervention. Failure to do so may result in appropriate sanctions. Further, a party shall, **before filing a disputed motion for an order relating to discovery, request a conference with the Magistrate Judge**. Only when that request is denied, or an impasse is reached at the conference, may the party file a disputed motion for an order relating to discovery. Such conferences may be conducted in chambers or by conference call and need not be recorded, all in the discretion of the Magistrate Judge.

(Document No. 16, pp. 6-7) (emphasis added).

IT IS, THEREFORE, ORDERED that "Plaintiff's Motion To Compel Discovery From

Defendant" (Document No. 23) is **DENIED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that counsel for the parties shall confer in good faith

regarding the pending discovery dispute either in person, or via some other "live" form of

communication such as Teams, Zoom, or telephone conference. If counsel's efforts to resolve this

dispute fail, Plaintiff may request a telephone conference by email to:

keesler\_chamber@ncwd.uscourts.gov. Such email should describe counsel's good faith efforts to

resolve this dispute, briefly summarize the remaining dispute, and copy opposing counsel.

SO ORDERED.

Signed: June 20, 2023

David C. Keesler

United States Magistrate Judge